

REMARKS

Claims 1 through 10, 12 through 17 and 19 through 22 are now pending in the application. Claim 12 has been amended. Bases for the amendments can be found throughout the application, claims and drawings as originally filed and as such, Applicant submits that no new matter has been presented. The Examiner is respectfully requested to reconsider and withdraw the rejections in view of the amendments and remarks contained herein.

REJECTION UNDER 35 U.S.C. § 103

Claim 12 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 3,808,859 to Cameron in view of U.S. Patent No. 4,631,949 to Iwata et al. This rejection is respectfully traversed.

The Examiner has stated that Cameron teaches the use of a system of gages to determine the axes of a container and a stem. In this regard, the Examiner has focused on column 3, lines 59-60 of the Cameron reference which provide: "alignment of the stem to container [is] measured on rectangular co-ordinates".

With reference to Figures 2 and 7 of Cameron, the gages (g1) and (g2) are mounted to lie along the vertical and horizontal centerlines of the container (1 in Fig. 1). When the stem (5 in Fig. 1) is inserted to the container, the gages (g1) and (g2) are employed to contact the stem in two directions (hereinafter X and Y directions) and provide information about the location of the surface of the stem in the two directions relative to the position of the gages (g1, g2). Since the system of the Cameron patent does not employ any gages to determine the axis of the container and since the system

of the Cameron patent only employs two gages to contact the stem in respective directions (X & Y), the system of the Cameron patent cannot be employed to determine the axis of either the container or the stem, let alone both.

With regard to the container, Applicant notes that the gages (g1, g2) are mounted in a fixed position that is assumed to be aligned to the horizontal and vertical centerlines of the container. Consequently, the Cameron patent does not teach or suggest the use of any gages for directly establishing an axis of the container. It appears that Cameron supposes that this would be unnecessary, given that the gages (g1, g2) are assumed to have been aligned to the centerlines of the container. Applicant notes, however, that the bore of the container is subject to wear and as such, its centerline may change over time.

With regard to the stem, Applicant notes the Cameron patent does not teach or suggest the establishment of its axis. Rather, the Cameron patent employs two gages (g1, g2) that contact the stem at a given point to establish the X and Y locations of that point. If the Cameron patent were to establish the axis of the stem, it seems clear that the gages would have to contact at least two axially spaced apart points on the stem and that an additional gage would be needed to provide the Z location of the two points - the X, Y, Z locations of the two points could then be employed to determine the location of the line that forms the axis of the stem. The system of the Cameron patent, however, is not configured in this manner and as such, it cannot be employed to establish the axis of the stem. Given the Cameron patent's recitation of rectangular coordinates and use of only two gages (g1, g2) to contact the surface of the stem, it appears that the system of the Cameron patent is not concerned with the location of the

axis of the stem but rather with the location of the portion of the stem that is contacted by the two gages (g1, g2).

In short, the system disclosed in the Cameron patent is similar to the methodology discussed in the background section of the present patent application in that the Cameron patent teaches the alignment of the stem to predetermined axes (i.e., the vertical and horizontal axes of the gages g1 and g2). In contrast, Claim 12 requires the establishment of both the stem and the container and that the two axes be aligned to one another. Applicant further notes that Claim 12 has been amended to recite that the axis of the stem is established while the stem is axially spaced apart from the container. Applicant notes that the system disclosed in the Cameron reference gages the stem after the stem has been inserted to the container. Applicant notes that the other amendments to Claim 12 have been made in an effort to improve the clarity of the claim and to remove certain redundant language.

With regard to the Iwata et al. reference, Applicant notes that it generally directed to a method of loading a billet into an indirect extruding press. Of the first section identified by the Examiner (i.e., lines 1 to 22 of Claim 1), Applicant notes that lines 8 through 12 of Claim 1 of the Iwata et al. reference merely state that the stems of the indirect extrusion press (FYI - there are multiple stems because the methodology of the Iwata et al. reference refers to indirect extrusion) are coaxial with an axis of the container sleeve. Applicant notes that the second section identified by the Examiner (lines 42 to 52 of Claim 1) describes a process by which a billet may be loaded into the container sleeve so that it is centered to the axis of the container. The Iwata et al.

reference does not teach or suggest any method by which the container sleeve and stems may be aligned to one another.

In view of the above, Appellant respectfully submits that the Office has not presented a *prima facie* case of obviousness. The establishment of a *prima facie* case of obviousness requires that the prior art reference or references must teach or suggest all the claim limitations. See, e.g., *In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991). In the instant case, however, neither the Cameron or the Iwata et al. references teach or suggest the establishment of an axis of the container or the establishment of an axis of the stem (alone or while the stem is spaced apart from the container), or the direct alignment of the container and stem to one another. Accordingly, Applicant respectfully requests that the Examiner reconsider and withdraw the rejection of Claim 12 under 35 U.S.C. §103(a).

ALLOWABLE SUBJECT MATTER

The Examiner states that Claims 1 through 10 and 19 through 22 have been allowed and that Claims 13 through 17 would be allowable if rewritten in independent form. Applicant has not elected to rewrite Claims 13 through 17 at this point, electing instead to pursue the allowance of Claim 12, the independent claim from which Claims 13 through 17 depend.

CONCLUSION

It is believed that all of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicant therefore respectfully requests

that the Examiner reconsider and withdraw all presently outstanding rejections. It is believed that a full and complete response has been made to the outstanding Office Action, and as such, the present application is in condition for allowance. Thus, prompt and favorable consideration of this amendment is respectfully requested. If the Examiner believes that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at (248) 641-1600.

Respectfully submitted,

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